

COPY

1 Peter E. Garrell, Esq. (SBN 155177)
pgarrell@fortislaw.com
2 John M. Kennedy, Esq. (SBN 156009)
jkennedy@fortislaw.com
3 FORTIS LLP
650 Town Center Drive, Suite 1530
4 Costa Mesa, CA 92626
Telephone: (714) 839-3800
5 Facsimile: (714) 795-2995

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 19 2021

Sherri R. Carter, Executive Officer/Clerk of Court

6 Attorneys for Plaintiff ADRIANA HERNANDEZ,
Individually, and on behalf of all others similarly situated
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 ADRIANA HERNANDEZ, individually, and
on behalf of all others similarly situated,

12 Plaintiffs,

13
14 v.

15 2523 E. ANAHEIM, INC. dba XS
16 AFTERHOURS GENTLEMENS CLUB, a
California corporation; and DOES 1 through
17 100, inclusive,

18 Defendants.
19
20
21
22
23
24
25
26
27

Lead Case No. 19STCV16831
(Related to Case No. 19STCV15211)

Assigned for All Purposes to the Hon. Ann I. Jones in Department 11

CLASS ACTION

DECLARATION OF ADRIANA HERNANDEZ IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Non-Appearance Case Review:

Date: January 29, 2021
Time: 8:30 a.m.
Location: Dept. 11

Motion for Preliminary Approval:

Date: February 24, 2021
Time: 11:00 a.m.
Location: Dept. 11 via LACC

Action Filed: May 15, 2019

1 **TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that pursuant to the Court’s Tentative Ruling filed, which
3 was and E-Served on January 15, 2021, class counsel files this Supplemental Declaration
4 addressing the issues requested in the Tentative Ruling:

5 **SUPPLEMENTAL DECLARATION OF ADRIANA HERNANDEZ**

6 I, Adriana Hernandez, declare:

7 1. I am over 18 years of age and a resident of California. I am the named plaintiff in
8 the above-captioned case, and I have personal knowledge of the facts and statements set forth in
9 this declaration, and, if called upon to testify, I could and would competently testify hereto.

10
11 **Issue 1: Provide declarations disclosing the interest or involvement by any counsel**
12 **or party in the governance or work of the *cy pres* recipient (or lack thereof).**

13 1. The *Cy Pres* recipient is the League of Women Voters (“LWV”) (Settlement
14 Agreement ¶49(c)). To my knowledge, no counsel nor parties have any involvement in the
15 governance or work for the LWV. I am familiar with this organization and have been for many
16 years but only as a result of their work and involvement in advocating for voters rights.
17 However, neither I nor anyone in my family has personal involvement or interest in this
18 organization. We have not monetarily contributed to this organization and have not volunteered
19 time for this organization.

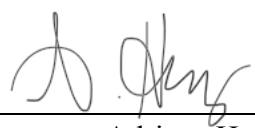
20
21 **Issue 2: Address how notice of final judgment will be given to the class.**

22 2. I have discussed the January 15, 2021 Tentative Ruling with my counsel who I
23 understand has met and conferred with the claims administrator and counsel for Defendants. As
24 I understand this issue, they have agreed that Notice of the Final Judgment shall be posted on the
25 claims administrator’s website under the provisions of Cal. Rules of Court, rule 3.771(b). As part
26 of their meet and confer, they have agreed that Notice of the Final Judgment shall be posted on
27 the claims administrator’s website along with other settlement documents through the Effective

1 Date which will be the 61st day after service of the Notice of Entry of Final Order and Judgment.
2 Stipulation and Settlement Agreement ¶55. I am in agreement with this.

3
4 I declare under penalty of perjury and the laws of the State of California, United States of
5 America that the foregoing is true and correct.

6 Executed on this 19th day of January 2021, at Valencia, California.

7
8 
9 _____
Adriana Hernandez

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 650 Town Center Drive, Suite 1530, Costa Mesa, California 92626. On January 19, 2021, I served the within document(s) described as:

DECLARATION OF ADRIANA HERNANDEZ IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in this action as stated below:

Attorneys for Defendant 2523 E. Anaheim, Inc. dba XS Afterhours Gentlemens Club:

Steven J. Shapero
Martin M. Shapero
SHAPERO & SHAPERO
5950 Canoga Ave., Suite 404
Woodland Hills, CA 91367
Tel: (818) 710-1200
Fax: (818) 710-1447
sshapero@shaperoandshapero.com
mshapero@shaperoandshapero.com

- BY ELECTRONIC TRANSMISSION VIA CASE ANYWHERE: I caused said document(s) to be sent to the parties listed on the Electronic Service List maintained by Case Anywhere in the manner set forth in the Court’s Order Authorizing Electronic Service dated December 18, 2020.
- BY MAIL: By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 19, 2021, at Costa Mesa, California.

Lisa Dancel _____ (Type or print name)	<i>/s/ Lisa Dancel</i> _____ (Signature)
--	--